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Honorable Judge Marc Barreca
Chapter 7
Hearing Location: Seattle
Hearing Date: January 16, 2015
Hearing Time: 9:30 a.m.
Response Date: January 9, 2015

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

TERRENCE W BARR

Debtor.

CHAPTER 7 BANKRUPTCY

NO.: 14-17983-MLB

**RESPONSE TO TRUSTEE'S MOTION
FOR SALE OF REAL PROPERTY
BY BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK, AS
TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE
LOAN TRUST 2006-OC10, MORTGAGE
PASS THROUGH CERTIFICATES
SERIES 2006-OC10 THROUGH ITS
SERVICER SELECT PORTFOLIO
SERVICING, INC.**

COMES NOW, Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2006-OC10, Mortgage Pass Through Certificates Series 2006-OC10 through its servicer Select Portfolio Servicing, Inc., its successors in interest and assigns ("Creditor"), and responds as follows to the Trustee's motion for sale of property, as applicable to the property located at 6710 Flora Avenue S, Seattle, Washington ("Property").

Creditor does not object to the sale *per se*, but objects to the entry of any order that would purport to require Creditor to accept any amount less than the full amount due and owing on its secured claim without Creditor's consent. Specifically, Creditor does not consent at this time to accept \$225,000.00 as full satisfaction of its lien against the Property.

Objection to Motion to Approve Sale
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1 Under 11 U.S.C. § 363(f), the trustee may sell property free and clear of any interest in such
2 property of an entity other than the estate, only if –

3 (1) applicable nonbankruptcy law permits sale of such property free and clear of such
4 interest;

5 (2) such entity consents;

6 (3) such interest is a lien and the price at which such property is to be sold is greater than the
7 aggregate value of all liens on such property;

8 (4) such interest is in bona fide dispute; or

9 (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money
10 satisfaction of such interest.

11 Here, any order that requires Creditor to accept less than the full amount due on the debt secured by
12 the lien on the property the trustee proposes to sell would violate § 363(f)(2).

13 Therefore, Creditor requests that the Court deny the Motion of the Trustee outright, or, in the
14 alternative, require that any order authorizing of the sale condition closing on the specific written
15 consent of Creditor to any sale providing for less than full payment on its secured lien.

16 DATED: December 29, 2014.

17 **RCO LEGAL, P.S.**

18 Attorneys for Creditor

19 /s/ Lance Olsen WSBA# 25130 for

20 By: Jennifer L. Aspaas, WSBA# 26303